

United States Courts
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

APR 19 2021

Michael Palma
Plaintiff,

v.

STATE OF TEXAS, et al.
Defendants

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Civil Action No. 4:21-cv-01210

Nathan Ochsner, Clerk of Court

PLAINTIFFS NON-CONSENT TO PROCEED BEFORE
UNITED STATES MAGISTRATE JUDGE CHRISTINA BRYAN

Pursuant to 28 U.S.C. §636 (b)(1)(A) no magistrate may rule on a motion for injunctive relief.

As of April 16, 2021 a MOTION FOR EMERGENCY UNOPPOSED PRELIMINARY INJUNCTION is pending before this Court.

I urge this Court to write an order granting the relief requested based upon the merits of the complaint as set forth in the original pleadings prior to April 28, 2021.

I also urge this Court, due to the nature of this case – a Constitutional challenge, to not simply “order” this case turned over to a Magistrate in violation of 28 U.S.C. §636(c)(1), as there is no blanket authority to do so. No judge can put the cart before the horse – write an order and make an “advise(d)” consent for compliance mandatory after said “order” has been recorded.

Under 28 U.S.C. §636 (c)(1) *consent* is required prior to issuing such an order and not simply “orderable” by a district court. If it were simply “orderable” then no document ordering all parties to “consent” would be sent by the court. It is also important to note that in the order no legal authority was mentioned allowing any judge to order that a magistrate handle any case prior to having consent given by both parties.

Your Honor, with all due respect, if demanding this is simply the routine of your court staff to rubber stamp this “order” for pro se’s that is one thing; however, if you are involved in any form or fashion, again with all due respect, in putting the cart before the horse, I would strongly urge that you sua sponte recuse yourself from this case at once. Perceived or actual potential error could be due to, but not limited to, a bias against pro se’s due to your many years on the federal bench, the inability or unwillingness to follow the federal government’s own codes, judicial guidelines or SCOTUS holdings, the inability or unwillingness to abide by or enforce the current Texas State Constitution, statutes and appellate/supreme court case law, the inability or unwillingness to uphold the contract, a.k.a. Land

Patent, from interference by a political subdivision of the state except due to fraud, or the potentiality of not reviewing this pro se's case at all and merely dismissing it without merit and without a findings of fact and conclusion of law.

I, Michael Palma, plaintiff, due to the facts stated above do not consent to have this case tried by any Magistrate.

Respectfully Submitted

/s/ Michael Palma

Michael Palma
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CERTIFICATE OF MAILING

I, Michael Palma, do hereby state that the foregoing document was deposited into the USPS regular mail system on April 16, 2021 and sent to the following address:

Clerk of the United States District Court
Southern District of Texas
PO Box 61010
Houston, Texas 77208

/s/ Michael Palma

Michael Palma